

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 26 2009

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SPOKANE, WASHINGTON

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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES, and the STATES of
FLORIDA, TENNESSEE, TEXAS and
9 VIRGINIA, ex rel., Joel Heinzen, M.D. and
Christopher Rhead, M.D.,

10 Plaintiffs,

11 vs.

12 HEALTH MANAGEMENT ASSOCIATES,
13 INC., and EMCARE, INC.,

14 Defendants.

NO. CV-06-3051-RHW

UNITED STATES'
NOTICE OF CONSENT
TO DISMISSAL AND
REQUEST FOR ORDER

FILED UNDER SEAL

15 The relators have filed a Motion to Dismiss their Complaint. Pursuant to
16 the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States of America, by its
17 undersigned attorneys, hereby respectfully notifies the Court that the government
18 consents to the dismissal of relators' Complaint without prejudice to the rights of
19 the United States. Dismissal of the Complaint is in the best interests of justice.

20 In addition, because § 3730(b)(1) also requires the Court's consent to
21 dismissal, the United States requests that the proposed Order on Voluntary
22 Dismissal submitted with this Notice be entered. The United States also requests
23 that the relators' Complaint, this Notice, and the resulting Order be unsealed. The
24 United States requests that all other papers on file in this action remain under seal
25 because in discussing the content and extent of the United States' investigation,
26 such papers are provided by law to the Court alone for the sole purpose of

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1 evaluating whether the seal and time for making an election to intervene should be
2 extended.

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4 DATED this 26th day of February, 2009.

5 JAMES A. McDEVITT
6 United States Attorney

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26
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2009, a true and correct copy of the foregoing United States' Notice of Consent to Dismissal and Proposed Order on Voluntary Dismissal was mailed by first-class mail to counsel for the Relator as follows:


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